

applied to certain claims include U.S. Patents Nos. 6,115,931 to Arcand, and 5,600,894 to Blackman et al.

Applicants have carefully reviewed the specification, claims, abstract and drawings in this case, have reviewed the cited and applied prior art, and have given consideration to the Examiner's comments, and by the present amendment propose certain changes, including several claims cancellations, which are believed to point this case clearly in a condition for immediate allowance of all claims remaining in the case.

A signal feature present in applicant's invention, as set forth now in all claims remaining in this case (on the basis of entry of this amendment), is the presence of a gripper body structure having a generally planar body expanse which takes the form generally of a closed plane, and which expanse includes a perimeter structure along the length of the perimetral outline of the expanse, with this perimeter structure being formed with a row of plural, spaced, workpiece surface-gripping projection elements. Amendments which have been made in independent claims 1, 12 and 13 now redundantly state that the perimetered planar body expanse takes the form of a generally closed plane, which further definition, while believed to be clearly present at least implicitly in the originally-presented claims, now fully supports the common dictionary definition for a perimeter structure as a structure which forms an outline boundary with respect to a closed plane.

Absolutely nothing like this structure is present or suggested in the prior art references (Hoffman and Richardson) which the Examiner asserts against applicants' claims under 35 U.S.C. § 103(a).

The principal reference to Hoffman which illustrates six different embodiments of a tape-end device, does so in the context of exposing not a single modification which includes anything like applicants' workpiece surface-gripping projection elements. It is very clear that Hoffman never considered employing such a structure, and applicants believe that the Examiner is mistaken in making the statement, on pages 3 and 4 in the Examiner's action, that Hoffman teaches that it is beneficial to place a row of teeth along a workpiece contacting surface of a tape-attachable device.

Richardson, the patent which the Examiner proposedly combines with Hoffman to reject, as obvious, applicants' claims shows and discusses a single, elongate, wire-like tape end device which includes a single row of teeth distributed linearly along the long axis of a projecting finger in that device. Nothing in Richardson includes a body expanse in the form of a closed planar structure, and thus absolutely nothing in this patent discloses or suggests a perimeter structure for such a planar expanse with teeth distributed along this perimeter structure.

No matter how the Examiner proposes to combine Hoffman and Richardson, and let alone the fact that neither would tend to lead a reviewing party toward looking at the other for the purpose of making a combination, there is no assembly of Richardson and Hoffman which can produce applicants' claimed invention.

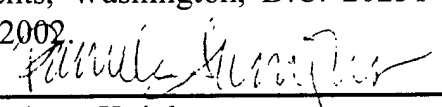
With respect to the two other cited and applied references, Blackman and Arcand, neither of these patents offers any more fuel for rejection of applicants' claims.

For these reasons, all claims now remaining in this case, on the basis of entry of the instant amendment, are believed to be clearly distinguishable over the art of record,

and therefore to be patentable. Accordingly, favorable reconsideration of this application, and allowance of all remaining claims, are respectfully solicited.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box NON-FEE AMENDMENT, Commissioner for Patents, Washington, D.C. 20231 on May 14, 2002.



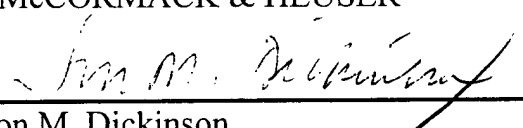
Pamela A. Knight

Date of Signature: May 14, 2002



Respectfully submitted,

KOLISCH, HARTWELL, DICKINSON,
McCORMACK & HEUSER



Jon M. Dickinson
Registration No. 22,820
Customer PTO No. 23581
of Attorneys for Applicants
200 Pacific Building
520 SW Yamhill Street
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679

VERSION SHOWING CHANGES BEING MADE

1. (Twice Amended) A workpiece surface-gripping device joinable adjacent the outer end of an elongate, ribbon-like and generally nominally planar linear measuring tape comprising

a gripper body having a generally planar body expanse in the form generally of a closed plane with perimeter structure which generally circumsurrounds said body expanse, said perimeter structure being formed with a row of plural, spaced, perimeter-distributed, workpiece surface-gripping projection elements adapted to contact and grip the far surface of a workpiece having a dimension which is being measured relative to that surface, and

mounting structure joined to said body expanse, and accommodating mounting of the device on such a tape at a location adjacent the tape's outer end, and in such a manner that different workpiece surface-gripping projection elements that are present in said row in said perimeter structure are operatively located on, and in spaced relation to, opposite sides of the tape's nominal plane, and with said elements generally extending toward the tape.

4. (Amended) The device of claim[s] 1 [or 2] which is for use as a freely attachable object in relation to a conventional measuring-tape outer end structure of the kind having a lateral projection which extends one-sidedly, laterally and generally outwardly in a plane which is disposed at an angle relative to the plane of the tape per se, and said mounting structure takes the form of a snap-capture arrangement adapted to

receive, and generally lock into a defined relative fixed positional relationship with respect to, such a projection.

12. (Twice Amended) A workpiece surface-gripping device removably joinable selectively adjacent the outer end of an elongate, ribbon-like, and generally planar linear measuring tape, said device comprising

a generally planar gripper body which has the form of a closed plane having a perimeter formed with plural, spaced, linearly-distributed, workpiece surface-gripping projection elements, and

snap-fit mounting structure joined to said body and adapted for fitting of the device onto such a tape, with the plane of the gripper body substantially paralleling the plane of the tape-end projection, and with said projection elements generally extending toward such a tape.

13. (Twice Amended) A tape-measuring device comprising
an elongate, ribbon-like and generally nominally planar measuring tape having an exposed free end, and

a workpiece surface-gripping device joined to said tape adjacent the tape's said free end, said surface-gripping device including

a gripper body having a generally planar body expanse in the form of a closed plane with perimeter structure which generally circumsurrounds said body expanse, said perimeter structure being formed with a row of plural, spaced, perimeter-distributed workpiece surface-gripping projection elements, and

mounting structure joined to said body expanse, and directly mounting said surface-gripping device on said tape's free end in such a manner that different workpiece surface-gripping elements that are present in said perimeter structure are operatively located on, and in spaced relation to, opposite sides of the tape's nominal plane, with these elements generally extending toward said tape.